

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

ROSELYN YASCHIKA WISE,

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Plaintiff,

]

-vs-

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CA NO:3:10-859

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ORDER

NCR CORPORATION,

]

Defendant.

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The plaintiff, Roselyn Yaschika Wise, proceeding *pro se* , has filed the instant action against her former employer, NCR Corporation, alleging that she was wrongfully terminated and that she was a victim of sex discrimination. The plaintiff seeks inter alia reinstatement to her prior job and damages. The defendant moves pursuant to 9 U.S.C. § 1, et. seq. of the Federal Arbitration Act and Rule 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure to dismiss this action and to Compel Arbitration. The plaintiff opposes the defendant's motion to dismiss.

This matter was referred to a United States Magistrate Judge for review pursuant to 28 U.S.C. § 636(b)and Local Rule 73.02(B)(2)(e) for the District of South Carolina. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 , 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection

is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. §636(b)(1).

In this matter, the Magistrate Judge recommends the defendants' motion to dismiss be granted and the complaint be dismissed without prejudice so that plaintiff can pursue her claims in arbitration. The plaintiff has not objected to the Magistrate Judge's Report and Recommendation. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F. 2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

The Court has made a thorough *de novo* review of the record before it. Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendants' motion to DISMISS is GRANTED.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 26, 2010

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